



## CITY OF LODI

## COUNCIL COMMUNICATION

**AGENDA TITLE:** Ordinance No. 1660 Entitled, "An Ordinance of the Lodi City Council Amending Lodi Municipal Code Chapter 12.12, Section 12.12.045 Relating to the Prohibition of Glass Bottles or Similar Containers, Alcoholic Beverages and/or Tobacco Products in Certain Posted Parks or Facilities"

**MEETING DATE:** May 20, 1998

**PREPARED BY:** City Clerk

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**RECOMMENDED ACTION:** Following reading by title, it would be appropriate for the City Council to adopt Ordinance No. 1660.

**BACKGROUND INFORMATION:** Ordinance No. 1660 entitled, "An Ordinance of the Lodi City Council Amending Lodi Municipal Code Chapter 12.12, Section 12.12.045 Relating to the Prohibition of Glass Bottles or Similar Containers, Alcoholic Beverages and/or Tobacco Products in Certain Posted Parks or Facilities" was introduced at the regular City Council meeting of May 6, 1998.

Pursuant to State statute, ordinances may be adopted five days after their introductions following reading by title.

This Ordinance has been approved as to form by the City Attorney.

**FUNDING:** None required.

  
Alice M. Reimche  
City Clerk

Attachment

**APPROVED:** \_\_\_\_\_  
H. Dixon Flynn -- City Manager

ORDINANCE NO. 1660

AN ORDINANCE OF THE LODI CITY COUNCIL AMENDING LODI MUNICIPAL  
CODE CHAPTER 12.12, SECTION 12.12.045 RELATING TO THE PROHIBITION OF  
GLASS BOTTLES OR SIMILAR CONTAINERS, ALCOHOLIC BEVERAGES AND/OR  
TOBACCO PRODUCTS IN CERTAIN POSTED PARKS OR FACILITIES

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BE IT ORDAINED BY THE LODI CITY COUNCIL AS FOLLOWS:

Section 1. Lodi Municipal Code Chapter 12.12 "Parks", Section 12.12.045 - is hereby amended to read as follows:

**12.12.045 Glass bottles or similar containers, alcoholic beverages and/or tobacco products—Prohibited in certain posted parks or facilities.**

The Parks and Recreation Director may designate, by appropriate signs, those parks or facilities in which it shall be illegal to utilize or possess glass bottles or similar containers, alcoholic beverages and/or tobacco products of any nature. In such posted facilities, it is unlawful for any person to have in his or her possession any bottle or similar glass container or to possess or consume any alcoholic beverage or to smoke or otherwise use tobacco products.

Section 2. - No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 3. - Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

Section 4. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

Section 5. This ordinance shall be published one time in the "Lodi News Sentinel", a daily newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect thirty days from and after its passage and approval.

Approved this 20th day of May, 1998



JACK A. SIEGLOCK  
Mayor

Attest:

  
for ALICE M. REIMCHE  
City Clerk

State of California  
County of San Joaquin, ss.

I, Alice M. Reimche, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1660 was introduced at a regular meeting of the City Council of the City of Lodi held May 6, 1998 and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held May 20, 1998, by the following vote:

Ayes: Council Members - Johnson, Land, Mann, Pennino and Sieglock  
(Mayor)

Noes: Council Members - None

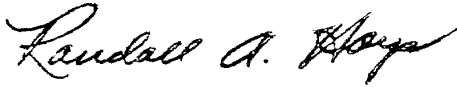
Absent: Council Members - None

Abstain: Council Members - None

I further certify that Ordinance No. 1660 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

  
ALICE M. REIMCHE  
City Clerk

Approved as to Form:

  
RANDALL A. HAYS  
City Attorney

- Of the alternatives presented, staff recommended Alternative 2 be designated as the preferred alternative for the final EIR/EIS.
- Further, request that a presentation by CALFED on the program with a question and answer period be made at a regular Council meeting.

Council Member Pennino recommended that Council conduct a study session instead of a Council meeting to discuss this matter, invite CALFED to attend the meeting, and provide them in advance with the City's questions and concerns. Mr. Pennino further suggested that Pat McCarty; Russ Matthews, Executive Director with the San Joaquin Farm Bureau; John Pulver, San Joaquin Public Works Director and Water Coordinator; and Mark Chandler with the Lodi-Woodbridge Winegrape Commission also be invited to the meeting.

Council Member Johnson concurred with the comments and added that staff check with the San Joaquin County Water Advisory Commission's list of comments to ensure that their comments and concerns match ours and to check that we do not miss anything.

The City Council determined that they would adjourn this meeting to Tuesday, March 26, 1998 at 7:00 a.m. to continue discussion regarding the matter.

10. ORDINANCES

- a) Ordinance No. 1660 entitled, "An Ordinance of the Lodi City Council Amending Lodi Municipal Code Chapter 12.12., Section 12.12.045 Relating to the Prohibition of Glass Bottles or Similar Containers, Alcoholic Beverages and/or Tobacco Products in Certain Posted Parks or Facilities" having been introduced at a regular meeting of the Lodi City Council held May 6, 1998 was brought up for passage on motion of Mayor Sieglock, Land second. Second reading of the ordinance was omitted after reading by title, and the ordinance was then adopted and ordered to print by the following vote:

Ayes: Council Members - Johnson, Land, Mann, Pennino and Sieglock (Mayor)  
Noes: Council Members - None  
Absent: Council Members - None

11. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

There was no one wishing to speak on this segment of the agenda.

12. COMMENTS BY CITY COUNCIL MEMBERS ON NON-AGENDA ITEMS

- a) City Manager Flynn announced that Electric Utility Director Vallow was appointed by Governor Wilson this week to the California Power Exchange Governing Board. Mr. Flynn also announced that this week is Public Works Week, and the department celebrated and awarded its employees with breakfast this morning. On May 21, 1998, a number of cities and the County will be meeting in Stockton to take a position on the Governor's vehicle license fee proposal. Staff will return to the City Council with a recommendation. Further, Mr. Flynn informed the Council that at the city managers' meeting today he learned that the County of Fresno is joining the County of Alameda's suit to protect their water rights.

- b) Council Member Johnson congratulated Duane Simpfenderfer, Ken Sasaki, and Mike Reese for the successful "Shoot Out on School Street" event. On Sunday there were 80 teams participating and there were even some people from as far away as Fresno. He hopes this event will continue! Further, Mr. Johnson asked the City Council to consider sending a letter to the Department of Treasury Bureau of Alcohol, Tobacco and Firearms

in regards to Kendall Jackson Winery's attempt to create a "California Coastal" wine appellation. The only reason they want to do this is to increase the sales of their wine; however, they are denigrating Lodi's products and making negative comments about Lodi grapes. Mr. Johnson provided a copy of this information to the City Clerk's office. Mayor Sieglock concurred and indicated that he has already spoken with the City Manager regarding this matter.

- c) Council Member Pennino apologized for being late to the meeting, but he had a forum in Elk Grove.

13. CLOSED SESSION

Mayor Sieglock adjourned the City Council meeting to a Closed Session to discuss the following matters:

- a) Conference with labor negotiator: Government Code §54957.6. Agency negotiator, Joanne Narloch. Employee organization, Lodi Police Dispatchers Association (LPDA)
- b) Conference with labor negotiator: Government Code §54957.6. Agency negotiator, Joanne Narloch. Employee organization, San Joaquin Public Employees Association (SJPEA) for Maintenance and Operators
- c) Conference with labor negotiator: Government Code §54957.6. Agency negotiator, Joanne Narloch. Employee organization, San Joaquin County Public Employees Association (SJPEA) for General Services

14. RETURN TO OPEN SESSION / DISCLOSURE OF ACTION

The City Council meeting reconvened at approximately 8:20 p.m. and Mayor Sieglock disclosed the following actions:

No final action was taken in these matters.

15. ADJOURNMENT

There being no further business to come before the City Council, Mayor<sup>2</sup> Sieglock, on motion of Council Member Johnson, Land second, unanimously adjourned the meeting at approximately 8:22 p.m. to Tuesday, May 26, 1998 at 7:00 a.m.

ATTEST:

Jennifer M. Perrin  
Deputy City Clerk

May 18, 1998

Mr. John Ledbetter  
Vino Farms  
1377 East Lodi Ave.  
Lodi, Ca.

Dear John:

Thank you very much for meeting with me on such short notice last week.

I appreciate having the opportunity to discuss the proposed power line with you. Your comments and questions create a somewhat different perspective from that of Mike Phillips or Nancy Ripkin.

Most parties seem to agree that a new power line would be a benefit to both Lodi and the region. Where to place it with the least amount of cost and inconvenience is the question. Hopefully we will be able to arrive at a decision that will be satisfactory to a majority of those concerned.

To another subject - On Wednesday, May 20, I will ask the City Council to draft and pass a resolution to oppose the petition to BATF calling for the creation of a "California Coastal" wine appellation. It is evident that this is simply a marketing ploy which, if passed, will create a significant hardship to the local grape growers. Agribusiness is the backbone of the Lodi economy and any negative impact to the multi-million wine grape industry would have serious consequences to our community. Hopefully this will help BATF come to their senses.

Thanks again for your comments and interest.

Very truly yours,

Bob Johnson  
Council Member

cc: Mark Chandler  
Keith Watts



DEPARTMENT OF THE TREASURY  
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS  
WASHINGTON, DC 20226

APR 10 1998

RE:A:RG:DWB  
5130

*Rec 4-14-98  
Les Dabritz*

Mr. Les Dabritz  
President/CEO  
Lodi District Chamber of Commerce  
35 S. School Street  
P.O. Box 386  
Lodi, CA 95241

Dear Mr. Dabritz:

Thank you for your letter dated March 18, 1998, concerning the proposed "California Coastal" viticultural area.

As yet, no decision has been made and no document has been published concerning this proposed area. We appreciate your thoughts on this proposal and we will keep you informed concerning any action taken.

Mr. David Brokaw is reviewing the proposed "California Coastal" petition. Should you wish to contact him directly, he can be reached by phone at (202) 927-8199.

Sincerely,

Richard A. Mascolo  
Chief, Regulations Division

*Lodi*  
DISTRICT  
CHAMBER OF COMMERCE

March 18, 1998

Mr. Richard Mascolo  
Chief of Regulations Division  
Bureau of Alcohol, Tobacco & Firearms  
650 Massachusetts Ave., NW  
Washington D.C. 30226

Dear Mr. Mascolo,

The Lodi District Chamber of Commerce Board of Directors would like to submit this letter in opposition to the petition to create a "California Coast" appellation.

The wine industry is the very bedrock of our local economy, and has been for a long time. With the establishment of the Lodi appellation in 1986 local growers embarked on a sustained effort to upgrade grape varieties and improve wine quality. Those efforts have paid off — the industry has recently enjoyed a rise in reputation and popularity.

Wine districts around the state who previously dominated the quality wine business are not pleased with new competition from Lodi. We feel this is at the bottom of the coastal petition, not a true interest in better informing consumers of the distinctiveness coastal region wines. If that were so the petitioners would have included Lodi, since it enjoys the same maritime influences and produces wines of similar quality.

Should BATF approve this petition serious economic harm would be done to the Lodi community by reinforcing an outdated stereotype of the quality of our wines. Lodi grapes would be associated with districts whose prices are substantially lower than what our growers currently receive. The region's new-found quality reputation would suffer and our efforts to expand the local economy by creating wine-related tourism would be dealt a severe setback. This impacts not only the wineries and vineyards but also hotels, restaurants, gas stations, the retail sector, parks and tourism attractions.

We believe BATF should see this petition for what it is — an effort to use the power of the federal government to mislead consumers for the benefit of a few coastal producers, to the detriment of the entire Lodi community. We strongly urge you to deny it.

Sincerely,

*Les Dabritz*  
Les Dabritz  
President/CEO

LD/dma





March 12, 1998

Dear GRC Members:

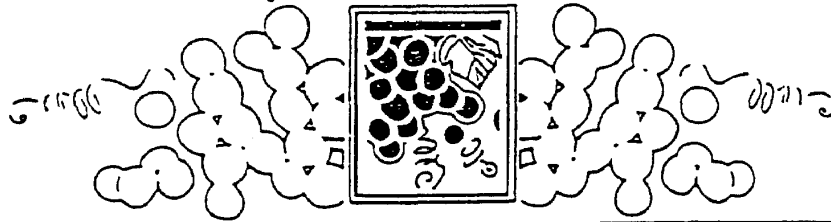
The attached letter from Keith Watts accurately points out the strategy and consequences of the "California Coastal" appellation petition. In short they want to split the state into two appellations – Coastal on the coast and California in the interior. Then they will be free to tout the coast and bash the Central Valley and wineries based here. They are already doing this (see attached Decanter excerpt, and page out of one of KJ's promo pieces).

What needs to be emphasized to GRC is that:

- Appellations are basically marketing tools to tell consumers about a distinct region. There is no justifiable climatic basis to create this appellation (Lodi actually qualifies better than Temecula). It is a sham!
- This move is all about Lodi, and the progress it has made in the last five years. The proponents wish to use the federal government to squash our competition and malign our region, totally for greed and commercial reasons. (It is also about the vicious rivalry between Jess Jackson and Ernest Gallo, and we as innocent bystanders are getting caught in the crossfire).
- If it were to be approved grower prices would forever be in the basement, our economy would suffer, and the lack of prosperity would be felt by every single citizen in the county. (Remind them that winegrapes are our highest value agricultural crop, worth nearly \$300 million in 1997).
- Our efforts to expand the local economy by creating wine-related tourism based on our high quality would be dealt a severe setback. This impacts hotels, restaurants, gas stations, the retail sector, fast food, parks, and all tourism attractions.

The Bureau of Alcohol, Tobacco and Firearms needs to feel the pressure from trade groups and civic entities -- it will have an impact. The GRC should pass a motion to register its opposition to the California Coastal appellation petition by getting the Chamber Board to sign a letter which will be drafted by the Ag Committee.

# Lodi District Grape Growers Association, Inc.



J-File  
CA Coasta

P.O. BOX 2004 • LODI, CALIFORNIA 95241-2004 • (209) 339-8246

## OFFICERS

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Tom Holtman

Ted Leventini, Jr.

3 Machado

kip Stoenner

Bill Stokes

Dear Grower:

The time has come to rally our district in order to fight a very important issue. This past year a coalition of Coastal wineries and growers submitted a petition to BATF to create a new "California Coastal" appellation. This new appellation change attempts to split the state of California into two regions; the coastal region and the valley-interior region. This splitting of the state will degrade the current "California" label by imply that only lower quality valley fruit is used in the wine. Their hope is to eliminate Lodi's competition by keeping us in the California designated labels and inform the wine consumer that the California label is inferior to the Coastal label. Their petition is full of holes and was developed in an effort to use regulatory powers to eliminate their competition.

I am including a letter that identifies the major flaws of their petition. In addition, there is a article from a recent wine magazine quoting Jess Jackson that his real motivation in this petition is to keep Lodi in its place and continue to degrade other wineries for using Lodi fruit. Please photo copy this letter onto your business - farming letterhead, sign it and send it to the BATF office. Please include the article reprint to help make your point.

Sincerely;

President, LDGG

*\$300 Million  
dollar business*

Mr. Richard Mascolo  
Chief of Regulations Division  
Bureau of Alcohol, Tobacco & Firearms  
650 Massachusetts Ave., NW  
Washington D.C. 20226

Dear Mr. Mascolo

As a winegrape grower within the Lodi AVA I would like to express my opposition to the petition to establish a new viticultural area entitled "California Coast". I would like to point out:

- Appellations should serve the consumer by pointing out the distinctiveness of a wine producing region. The huge region described in the petition incorporates such a broad range of climates, soils, and geography that it cannot meet any criteria for distinctiveness.
- The current North, Central and South Coast appellations contain enough variability within their own boundaries -- consumers would be further confused by creating this overlapping appellation.
- Grape varieties grown, as well as wine quality and style, are not consistent throughout the region.
- The Lodi area exhibits many of the climatic characteristics described in the petition, yet it was excluded from it. Is that because the petitioners seek to use the regulatory power of the BATF to stifle competition from Lodi? Please see the enclosed excerpt from Decanter Magazine where Mr. Jackson admits this fact.

The diversity of climate, soil, and wine types produced in the region calls for the continued use of the appropriate appellation--"California". Adoption of this preposterous proposal will mislead consumers and undermine the integrity of our current appellation system. California wines are beginning to garner worldwide attention -- let's not demean the reputation of our industry by making it the laughingstock of the wine world. I strongly urge you to deny this petition.

Sincerely,

# Decanter

JANUARY 1998 VOLUME 23 NO 5

When asked what he considers to be his greatest accomplishment over the first 15 vintages, Jackson's crusading gives way to the consumer popularity of Kendall-Jackson Vintners Reserve Chardonnay. Sales of this one wine soared to 1.6 million cases last year, and it is the number one California Chardonnay in dollar value. 'When we began in 1982, we saw a price hole in the market and tried to fill that \$7 to \$10 niche. We had also settled on the idea of blending Chardonnay from several

coastal regions and didn't think twice about the "California" appellation posing a problem. The appellation now implies a use of Central Valley grapes. We have never used any Central Valley fruit in our Chardonnay. Many do use Lodi Chardonnay and some wineries are based in Lodi today. So we are trying to win approval for the "California Coastal" appellation which will get the coastal-only message across.'

### 100% COASTAL VINEYARDS

Kendall-Jackson's vineyard search has discovered that within the coastal growing regions of California, there are specific areas where complex interrelationships between climate and soil result in the purest and most intense flavor for each of the noble grape varieties. Kendall-Jackson obtains 100 percent of its fruit from California coastal growing regions and is committed to producing all of its wines from these areas.

Over 400 coastal growers sell their grapes to Kendall-Jackson. Their crops may be as small as one ton of Zinfandel from 100 year old vines from the Zeni Vineyard in Mendocino, to 50 tons of Chardonnay from Sangiacomo Vineyards in Carneros. Kendall-Jackson's Grower Relations team maintains close contact with growers throughout the year. At harvest time, a dedicated staff continually inspects every vineyard to assure crops are picked at the peak of ripeness.

### THE IMPORTANCE OF THE PACIFIC OCEAN

California's most important climatic influence is the Pacific Ocean. Each varietal's success is dependent on a long, cool, even ripening period. Virtually all of the state's finest vineyards are located along a relatively narrow strip of land that follows the coastline from Mendocino in the North to Santa Barbara in the South. This ribbon of land has two distinct areas.

The first is closest to the coast and the cooling influence of the Pacific. It encompasses such appellations as Mendocino, Russian River, Carneros, Monterey and Santa Barbara. The varietals that thrive in these areas are Chardonnay, Pinot Noir and Zinfandel.

The second is more temperate but still within the cooling effect of the Pacific. It encompasses Napa Valley, parts of Sonoma and Lake counties. The varietals that do well here include Cabernet Sauvignon, Merlot and Sauvignon Blanc.

Approximately 15% of California's Varietal grapes are grown in this desirable cool coastal strip of land and they command premium prices. In contrast, grapes grown in California's interior Lodi/Central Valley area do not benefit from the Pacific Ocean's cooling influence; excessive heat tends to burn the flavor out of the grapes and create fruit of inferior quality.

